

REMARKS

This Amendment is submitted in response to the Office Action mailed on April 3, 2007. With this Amendment, claims 1, 15 and 26-48 are amended and claims 11 and 49-52 are canceled.

Claim Rejections - 35 U.S.C. § 112

In the Office Action, claims 26-48 were rejected under 35 U.S.C. § 112, second paragraph, as failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. With this Amendment, the internal claim numbering of claims 26-48 has been amended. As a result, dependent claims 27-36 now depend from independent claim 26 and dependent claims 38-48 now depend from independent claim 37. Therefore, the rejection under 35 U.S.C. § 112 is overcome.

Claim Rejections - 35 U.S.C. § 102

Claims were rejected under 35 U.S.C. § 102(b) as being anticipated by Maahs (U.S. 5,846,260). Specifically the Examiner stated that Maahs discloses an occlusion device (70) comprising a plurality of ribs (72) extending from the proximal end of the center post (62); and a foam sheet (82) attached to the plurality of ribs.

With this Amendment, independent claims 1, 15, 26 and 37 have been amended to clarify the overall structure and shape of the device of the present invention. Specifically, independent claim 1 has been amended to clarify that the present invention is an occlusion device for occluding a left atrial appendage, which comprises a center post having a proximal end and a distal end, a plurality of ribs extending radially outward from the proximal end of the center post to the distal end of the center post to form a frame, and a PVA foam sheet attached to the ribs. A diameter of the frame near the proximal end of the center post is greater than a diameter of the frame near the distal end of the center post and is shaped to securely fit within a left atrial appendage. The PVA foam sheet prevents blood from entering the left

atrial appendage.

Similarly, independent claims 15, 26 and 37 have also been amended to clarify that the plurality of ribs of the occlusion device of the present invention "define a frame having a diameter near the proximal end of the center post that is larger than a diameter near the distal end of the center post and is shaped to securely fit within a left atrial appendage". In addition, the frame, as defined in independent claim 37, is "generally pear shaped". Like, claim 1, claims 15, 26 and 37 have also been amended to clarify that the sheet prevents blood from entering the left atrial appendage.

The present invention is an occlusion device for closure of a left atrial appendage (LAA), which is a small cavity opening into the left atrium of the heart. The LLA is shaped like a small thumb which terminates as it tapers away from the opening. Pg. 2, ll. 7-11. Although the shape of the device may vary somewhat, the device is preferably shaped to fit into the LAA so that the device remains securely deployed and prevents blood from entering or exiting the LAA. As a result, the device of the present invention must be configured to perform this specific task. One suitable shape for the device generally resembles a pear (i.e. has a larger diameter at one end). Pg. 7, ll. 1-8.

In contrast, the device described in Maahs is a modular blood filter device for temporary placement in a blood vessel to capture embolic material. Col. 1, ll. 14-6. Since the Maahs device is configured to perform a very different task than the device of the present invention, the overall structure and shape of the Maahs device is also understandably different. While the frame of the device of the present invention has a smaller diameter near the distal end of the center post which allows it to fit within the thumb-like LAA, the frame of the Maahs device is generally spherical. (See Figs. 8 and 12-15). The ball-like shape of the Maahs device allows it to effectively capture embolic material as upon deployment into a vessel. However, this rounded shape would preclude the Maahs device from effective insertion into an LAA.

As a result, independent claims 1, 15, 26 and 37 are not anticipated by Maahs. Therefore, the rejection under 35 U.S.C. § 102(b) is overcome.

Claim Rejections - 35 U.S.C. § 103

In the Office Action, claims 3, 4, 39 and 40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Maahs in view of Tanner et al. In addition, claims 5, 15-17, 20-27 and 30-36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Maahs in view of Corcoran et al. To render an invention obvious, the cited references must disclose all of the claims limitations or teach or suggest all of the claim limitations. Maahs, Tanner or Corcoran do not disclose, teach or suggest all of the limitations of the independent claims. If an independent claim is non obvious, then any of the claims depending therefrom are likewise nonobvious. *See MPEP § 2143.03 (citing In re Fine, 5. U.S.P.Q2d (BNA) 1596 (Fed. Cir. 1998))*. Therefore, claims 5, 15-17, 20-27 and 30-36 are not obvious, and the rejection under 35 U.S.C. § 103(a) is overcome.

Conclusion

With the above amendments and discussion, the claims 1-10 and 12-48 are in condition for allowance and notice to that effect is requested.

The Commissioner is authorized to charge any additional fees associated with this paper or credit any overpayment to Deposit Account No. 11-0982.

Respectfully submitted,

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